

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 18-7999 DSF (FFM)	Date	January 31, 2019
Title	Van Calvin Smith v. Commissioner of Social Security		

Present: The Honorable	Frederick F. Mumm, United States Magistrate Judge
------------------------	---

James Munoz	N/A	N/A
-------------	-----	-----

Deputy Clerk	Court Reporter / Recorder	Tape No.
--------------	---------------------------	----------

Attorneys Present for Plaintiff:

None present

Attorneys Present for Defendant:

None present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR FAILURE TO TIMELY SERVE COMPLAINT, FAILURE TO COMPLY WITH COURT ORDER, AND FAILURE TO PROSECUTE

Plaintiff filed the complaint herein on September 14, 2018. (Docket No. 1.) On September 17, 2018, the Court issued a case management order stating (*inter alia*):

Plaintiff shall promptly serve the summons and complaint on the Commissioner in the manner required by Rule 4(i) of the Federal Rules of Civil Procedure. **Plaintiff shall electronically file a proof of service showing compliance with this paragraph within thirty (30) days of the date of this order.** Failure to comply with this paragraph may result in dismissal of this case.

(Docket No. 7 at 1-2 (emphasis added).)

The final day for plaintiff to file said proof of service was October 17, 2018. Plaintiff has not filed a proof of service. In fact, there has been no activity in this action since the filing of the case management order. It therefore appears to the Court that plaintiff has not served the summons and complaint on defendant. Plaintiff's apparent failure to serve the summons and complaint on defendant violates not only the Court's order, but also Federal Rule of Civil Procedure 4(m), which requires that service of process be accomplished within 90 days of the complaint's filing.

Accordingly, plaintiff is ORDERED TO SHOW CAUSE in writing, within **20 days** hereof, why this action should not be dismissed under Federal Rules of Civil

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 18-7999 DSF (FFM)

Date January 31, 2019

Title *Van Calvin Smith v. Commissioner of Social Security*

Procedure 4(m) and 41(b) for plaintiff's failure to serve the Complaint within 90 days, failure to obey a court order, and failure to prosecute. **Plaintiff is warned that if he fails to file a timely response to this order, or if his timely response fails to provide sufficient cause for not dismissing this action, the Court will recommend that this action be dismissed without prejudice.**

IT IS SO ORDERED.

Initials of Preparer _____ : _____
JM